

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

STATE OF CALIFORNIA Department of Public Health Tobacco Control Program

FFY 2008

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
www.samhsa.gov



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INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project (0930-0222); 1 Choke Cherry Road, 7th Floor Rockville, Maryland 20857.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 10/31/2007.

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2007 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2008 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

¹The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at (240) 276-1404.

Where and when to submit the Synar report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2007. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

Submit one signed original of the report, one additional copy, and an electronic version on either CD-ROM or 3.5" diskette to the Grants Management Officer at the address below:

Grants Management Officer
Office of Program Services, Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Rm.7-1103
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Rm.7-1103
Rockville, Maryland 20850

FFY 2008: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT
42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.
SYNAR SURVEY SAMPLING METHODOLOGY
The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2008 is up-to-date and approved by the Center for Substance Abuse Prevention.
SYNAR SURVEY INSPECTION PROTOCOL
The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY2008 is up-to-date and approved by the Center for Substance Abuse Prevention.
State: California
Name of Chief Executive Officer or Designee: KIMBERLY BELSHÉ
Signature of CEO or Designee:
Title: <u>Secretary, CA Health & Human Services Agency</u> Date Signed: _____
If signed by a designee, a copy of the designation must be attached

SECTION I: FFY 2007(Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

- 1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year. (See 42 U.S.C. 300x-26)**

- a. Has there been a change in the *minimum sale age* for tobacco products?**

☐ Yes ☒ No

If Yes, current minimum age: ☐ 19 ☐ 20 ☐ 21

- b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*? ☐ Yes ☒ No**

If Yes, indicate change (check all that apply):

- ☐ Changed to require that law enforcement conduct inspections of tobacco outlets
☐ Changed to make it illegal for youth to possess, purchase or receive tobacco
☐ Changed to require ID to purchase tobacco
☐ Other change(s) (please describe): _____

- c. Have there been any changes in the law concerning *vending machines*? ☐ Yes ☒ No**

If Yes, indicate change (check all that apply):

- ☐ Total ban enacted
☐ Banned from location(s) accessible to youth
☐ Locking device or supervision required
☐ Other change(s) (please describe): _____

- d. Have there been any changes in State law that impact the following?**

Licensing of tobacco vendors	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Penalties for sales to minors	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were made public within the State prior to submission of the ASR.
(Check all that apply)

- ☐ Placed on file for public review
- ☒ Posted on a State agency Web site (please provide exact web address)
Website address: http://www.adp.ca.gov/Funding/grants_management.shtml
- ☐ Notice published in a newspaper or newsletter
- ☐ Public hearing
- ☒ Announced in a news release, a press conference, or discussed in a media interview
- ☒ Distributed for review as part of the SAPT Block Grant application process
- ☐ Distributed through the public library system
- ☐ Published in an annual register
- ☐ Other change(s) (please describe): _____

The Department of Alcohol and Drug Programs (ADP) manages delivery of the Substance Abuse Prevention and Treatment Block Grant Program through California's 58 counties. ADP works with the County Alcohol and Drug Program Administrators' Association of California to advance substance abuse prevention and discuss emerging issues, including the Synar report data and interventions to reduce illegal tobacco sales to youth.

3. Identify the following agency or agencies. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

a. The State agency(s) designated by the Governor for oversight of the Synar requirements:

ADP and the California Department of Public Health (CDPH) have shared responsibility to oversee the Synar requirements. The Stop Tobacco Access to Kids Enforcement (STAKE) Act of 1994 (Business and Professions (B&P) Code Section 22950-22963) requires the annual transfer of \$2 million from ADP's SAPT block grant to CDPH to administer the provisions of the Synar Amendment.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

b. The State agency(s) responsible for conducting random, unannounced Synar inspections:

CDPH has an interagency agreement with the Behavioral Health Institute (BHI) of the San Diego State University Foundation, a nonprofit education corporation organized under the laws of the State of California, to conduct the annual random, unannounced inspections of tobacco outlets.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

c. The State agency(s) responsible for enforcing youth tobacco access law(s):

CDPH, Food and Drug Branch (FDB) is the statewide enforcement agency responsible for enforcing the STAKE Act. Local law enforcement agencies are

responsible for enforcing other tobacco control laws, including Penal Code (PC) Section 308(a), illegal tobacco sales to minors.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

4. Identify the State agency(s) responsible for tobacco prevention activities.

CDPH, Tobacco Control Program (TCP) is responsible for administering California's statewide tobacco prevention and control activities as authorized in Health and Safety Code Part 3, Chapter 1, Section 104350, to comply with Proposition 99, the Tobacco Tax and Health Protection Act of 1988.

Has the responsible agency changed since last year's Annual Synar Report?

☐ Yes ☒ No

a. Describe the coordination and collaboration that occur between the agency responsible for tobacco prevention and the agency responsible for oversight of the Synar requirements. The two agencies (check all that apply):

- ☐ Are the same
- ☐ Have a formal written memorandum of agreement
- ☐ Have an informal partnership
- ☐ Conduct joint planning activities
- ☐ Combine resources
- ☒ Have other collaborative arrangement(s) (please describe): _____

Oversight of the Synar requirements is a shared responsibility: 1) CDPH is responsible for conducting the annual Synar survey and preparation of the ASR; and, 2) ADP is responsible for review and State approval of the ASR and submission to SAMHSA as part of the SAPT block grant application.

5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2006. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e))

a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only)

- ☐ Enforcement is conducted exclusively by local law enforcement agencies.
- ☐ Enforcement is conducted exclusively by State agency(s).
- ☒ Enforcement is conducted by both local and State agencies.

- b. The following items concern penalties imposed for violations of youth access to tobacco laws by **LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES**. Please fill in the number requested. If State law does not provide for tobacco retailer license/permit suspension or revocation, please mark "NA".

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	517		517 ¹
Number of <u>fin es assessed</u>	517		517 ¹
Number of <u>permits/licenses suspended</u>	173		173 ²
Number of <u>permits/licenses revoked</u>	1		1
<p><i>Other (please describe):</i></p> <p>¹Reflects only those civil penalties assessed by the CDPH Food and Drug Branch. Citations and fines assessed by over 2,000 local enforcement agencies are not reported to any state agency and therefore are not available.</p> <p>²Assessed by the California Board of Equalization (BOE) for non-compliance with state tobacco retail licensing statutes. All suspensions were for reasons other than tobacco sales to minors. Tobacco retail license suspensions and revocations conducted by local jurisdictions are not tracked by any state agency.</p>			

c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? *(Check all that apply)*

- ☒ Merchant education and/or training
- ☒ Incentives for merchants who are in compliance (e.g., Reward and Reminder)
- ☒ Community education regarding youth access laws
- ☒ Media use to publicize compliance inspection results
- ☒ Community mobilization to increase support for retailer compliance with youth access laws
- ☒ Other activities *(please list)*: Collaboration with the California Attorney General's Office (AG), Tobacco Litigation Unit; Collaboration with the BOE, Tobacco Licensing Program; Collaboration with the State Department of Alcoholic Beverage Control (ABC); and Evaluation and Surveillance Activities.

Briefly describe all checked activities:

Merchant Education and/or Training:

CDPH/TCP uses a multi-faceted, multi-agency, coordinated approach to educate California tobacco retailers about youth access laws. This includes dissemination of a tobacco retailer PowerPoint training created in 2005 titled, *Stop Tobacco Sales to Youth: California Retailers and Youth Tobacco Laws*. It includes an introductory letter to retailers and a clerk quiz. This training tool is accessible to the public on both the CDPH/TCP web site and the Strategic Tobacco Retail Effort (STORE) web site at:

<http://www.dhs.ca.gov/tobacco/documents/RetailerPresentation.pdf>

<http://www.dhs.ca.gov/tobacco/documents/pubs/RetailerPresentation.pdf>

CDPH/TCP also develops and provides educational materials. These materials are used to conduct merchant education, training, and inspections at the local and regional level. Approximately 131,730 pieces of educational materials were distributed to retailers, local and state law enforcement agencies, local health departments, community-based organizations, and tobacco companies from July 1, 2006 through June 30, 2007. Educational materials disseminated included a ten-item information kit titled, *Avoiding Fines and Penalties While Selling Tobacco*, a brochure titled, *Tobacco Control Laws That Affect Retail Businesses*, and the STAKE Act age-of-sale warning sticker signs. Approximately 20,000 copies of the brochure and 40,000 copies of the sticker signs were shipped to the BOE upon request for distribution to retailers applying for or renewing their tobacco seller's license.

The CDPH/FDB STAKE Act Enforcement Unit also conducts merchant education by mailing youth access law compliance requirement letters to STAKE Act violators. Approximately 517 letters were mailed to tobacco retailers in fiscal year 2006-07. During FFY 2008 the STAKE Act Enforcement Unit will continue

to conduct undercover on-site tobacco retailer inspections using teen-aged decoys ages 15-16 as mandated. The STAKE Act investigators conduct over 2,000 inspections annually. Stores checked for compliance are selected on a random basis within a given geographic area and/or in response to reports of illegal tobacco sales left on the toll-free number hotline by concerned citizens. At the time of inspection, educational materials about California's tobacco retail laws are left with store personnel or they are referred to the Tobacco Education Clearinghouse of California for materials.

Incentives for merchants who are in compliance:

All of the 61 local county and city health departments and many of the competitive grantees funded by CDPH/TCP utilize various interventions to reduce youth access to tobacco and encourage enforcement of tobacco laws affecting retailers. Numerous programs engage in various forms of merchant incentives, including retailer public recognition for compliance via press releases, plaques, store signage and sticker campaigns, and "report card" programs highlighting youth access law compliance. In addition, CDPH/FDB mailed "appreciation" letters to 200 retailers, congratulating them for their compliance during STAKE Act undercover enforcement inspections.

Community education regarding youth access laws:

CDPH/TCP creates and updates youth access materials for tobacco control advocates in the field. These materials are available statewide through the Tobacco Education Clearinghouse of California (TECC). Staff members of TECC, as well as the TCP's Media Unit, are available to assist the state's tobacco control advocates in the creation of specific community education materials. Additionally, professional artwork designed by the TCP Media Unit is provided for statewide projects to utilize when they design collateral materials. Staff from local projects utilize available materials from the TECC catalog and/or create original materials for local distribution. Many of these materials promote the STAKE Act mandated toll-free complaint line. Between June 2006 and July 2007 the complaint line received 223 calls from the public reporting possible illegal tobacco sales to youth.

Media used to publicize compliance inspection results:

Local county health departments regularly release the results of their local youth tobacco purchase surveys, resulting in media coverage on the issue throughout the state. Due to last year's 13.2 percent statewide illegal sales rate, which exceeded the 13 percent legislative threshold identified in California Business and Professions Code Section 22974.8, public relations efforts were used to assist in the education of store owners and employees as mandated by law. Since the 2007 rate falls below the 13 percent threshold, public relations efforts will focus on publicizing California's successful efforts at addressing sales to minors.

Community mobilization to increase support for retailer compliance with youth access laws:

CDPH/TCP-funded contractors conduct various educational and policy related interventions to reduce youth access to tobacco. Of the 61 local health departments' three-year comprehensive tobacco control plans (2004-07), 37 included conducting of merchant education activities, 30 included conducting local youth tobacco purchase surveys, four included conducting law enforcement training, and 25 included conducting policy campaigns aimed at the following topic areas: local tobacco retail licensing, eliminating self-service tobacco displays, eliminating free tobacco product sampling, requiring conditional use permits, and restrictions on selling tobacco in pharmacies. In addition, 12 competitive grantees are currently implementing educational and/or policy related interventions addressing these topic areas. As of July 2007, 225 counties and municipalities in California have passed ordinances addressing youth access to tobacco, including 70 for local tobacco retail licensing.

CDPH/TCP collaborates with its Point of Sales Practices Workgroup on planning and implementing statewide technical assistance and skill building trainings on reducing tobacco availability for projects funded by TCP. Between June 2006 and July 2007, four technical assistance trainings were provided, addressing retailer licensing at the local level, youth recruitment and involvement in youth access to tobacco interventions, and enforcement of retail tobacco control laws.

Collaboration with the AG:

The AG's office provides CDPH/TCP with expert review of merchant education resources and offers valuable input into the development of statewide strategies to reduce sales to minors and facilitate the adjudication of sales to minors and STAKE Act violations. CDPH/TCP continues to work with the AG's office to improve the accuracy of education and information disseminated by the Council for Responsible Retailing related to STAKE Act requirements for posting age-of-sale warning signs. The AG's office provides CDPH/TCP with updates about new and existing multi-state Assurances of Voluntary Compliance (AVCs) agreements with businesses in California, including tobacco manufacturers. A total of eleven AVC agreements are now in place covering more than 80,000 retail outlets nationwide.

Collaboration with BOE:

CDPH/TCP annually notifies BOE of the statewide rate of illegal tobacco sales to minors and CDPH/FDB provides BOE with adjudicated STAKE Act violation data on a quarterly basis in order to facilitate tobacco retailer license suspension and revocation requirements of the Cigarette and Tobacco Products Licensing Act of 2003 (B&P Code commencing with Section 22970). CDPH/TCP also solicits expert review of merchant education materials from BOE and coordinates mass mailings of educational brochures, STAKE Act age-of-sale warning signs and

order forms for merchant education materials through routine BOE mailings to retailers. In addition, BOE provides valuable input into the development of statewide strategies to strengthen retailer licensing efforts and improve enforcement of the Licensing Act.

Collaboration with ABC:

CDPH/TCP solicits expert review of merchant education materials from ABC and coordinates distribution of STAKE Act age-of-sale warning signs through ABC field offices. When conducting alcohol-related inspections, ABC collects data on STAKE Act signage posting and informs CDPH of any witnessed sales to minors violations. CDPH/TCP and CDPH/FDB also periodically participate in ABC trainings for law enforcement agencies.

Evaluation and Surveillance Activities:

CDPH/TCP conducts ongoing surveillance through the California Tobacco Survey and the California Adult Tobacco Survey to monitor support for enforcement of tobacco sales to minors laws and regulatory efforts to decrease youth access to tobacco.

- d. Are citations or warnings issued to retailers or clerks who sell tobacco to minors for inspections that are part of the Synar survey? ☐ Yes ☒ No**
- e. If “Yes” to 5.d., please describe the State’s procedure for minimizing risk of bias to the survey results: N/A**

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2006. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

6. Has the sampling methodology changed from the previous year?

☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.

7. Please answer the following questions regarding the State's annual random, unannounced inspections of tobacco outlets. (See 45 C.F.R. 96.130(d)(2))

a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?

☒ Yes ☐ No

If Yes, attach SSES summary tables 1, 2, 3 and 4 and go to Question 8. If No, continue to Question 7b.

b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.

Unweighted RVR N/A

Weighted RVR N/A

Standard error (s.e.) of the (weighted) RVR N/A

Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.

_____	+	(1.645	×	_____)	=	_____
RVR Estimate	Plus	(1.645	times	Standard Error)	equals	Right Limit

c. Fill out Form 1 in Appendix A (Forms). (Required regardless of the sample design)

N/A

d. How were the (weighted) RVR estimate and its standard error obtained? (Check the one that applies)

☐ Form 2 (Optional) in Appendix A (Forms) (Attach completed Form 2)

☐ Other (Please specify. Provide formulae and calculations or attach and explain the program code and output with description of all variable names.)

- e. **If stratification was used, did any strata in the sample contain only one outlet or cluster this year?**

N/A

☐ Yes ☐ No ☐ No stratification

If Yes, explain how this situation was dealt with in variance estimation.

- f. **Was a cluster sample design used?**

N/A

☐ Yes ☐ No

If No, go to Question 7g.

If Yes, fill out and attach Form 3 in Appendix A (Forms), and answer the following question:

Were any certainty primary sampling units selected this year?

☐ Yes ☐ No

If Yes, explain how the certainty clusters were dealt with in variance estimation.

- g. **Report the following outlet sample sizes for the Synar survey.**

N/A

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
Eligible sample size (number of outlets found to be eligible in the sample)	
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	

- h. **Fill out Form 4 in Appendix A (Forms). N/A**

8. Did the State's Synar survey use a list frame?☒ **Yes** ☐ **No***If Yes, answer the following questions about its coverage:***a. The calendar year of the latest frame coverage study:** 2007**b. Percent coverage from the latest frame coverage study:** 92.5%**c. Was a new study conducted in this reporting period?** ☒ **Yes** ☐ **No***If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.***d. The calendar year of the next coverage study planned:** Unknown**9. Has the Synar survey inspection protocol changed from the previous year?**☐ **Yes** ☒ **No***The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.***a. Provide the inspection period:** **From:** 03/10/07 **To:** 06/25/07
MM/DD/YY MM/DD/YY**b. Provide the number of youth inspectors used in the current inspection year:** 61
NOTE: If the State uses SSES, please ensure that the number reported in 9.b. matches that reported in SSES Table 4, or explain any difference.**c. Fill out and attach Form 5 in Appendix A (Forms).** *(Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data)*

N/A

NOTE: Copies of the Synar Survey Estimation System (SSES) Tables are located at the end of this Synar report.

SECTION II: FFY 2008 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

1. In the upcoming year, does the State anticipate any changes in the:

Synar sampling methodology ☐ Yes ☒ No
 Synar inspection protocol ☐ Yes ☒ No

If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.

2. Please describe the State's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2008. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.

Plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2008:

Reducing illegal tobacco sales to minors is a major effort of California's Tobacco Control Program. Multi-year funding is provided to 61 local health departments, all of which are required to address reducing tobacco access to minors in their comprehensive tobacco control plans. Additionally, funds are made available to non-profit organizations to address illegal tobacco sales to minors through a competitive grant process. In the last year several jurisdictions that have passed local retailer licensing policies have documented significant reductions in illegal sales rates. This trend is anticipated to continue. Looking ahead, CDPH/TCP will continue to focus on development of local tobacco retail licensing policies which incorporate license fees earmarked for enforcement of youth access laws. This will be done through the provision of technical assistance teleconferences, training, retailer educational materials development, and promotion of the STORE Campaign web site and online tools. The STORE web site, launched in 2001, provides a one-stop shopping electronic toolbox of advertisements, case studies, checklists, enforcement guidelines, merchant education materials, PowerPoint presentations, sample forms, sample letters, sample opinion editorials, survey instruments, and protocols, etc., aimed at assisting CDPH/TCP contractors to strategically address the retail sale and marketing of tobacco. CDPH/TCP plans to increase the functionality of the STORE web site in the future and improve its look and feel.

CDPH/TCP will continue to fund several statewide contracts to support local efforts to reduce the availability of tobacco. The Technical Assistance Legal Center (TALC), a

CDPH/TCP-funded agency, revised its model licensing ordinance which provides a template for the funded projects to use locally in developing their policies. TALC will continue to train CDPH/TCP-funded projects on retailer licensing and policies to reduce tobacco availability in local communities around the state. CDPH/TCP also continues to fund the statewide California Youth Advocacy Network (CYAN). CYAN launched a new tobacco retail licensing advocacy campaign in 2007, titled “Mission: Possible,” to support the engagement of youth in local tobacco retail licensing efforts conducted by TCP-funded projects. The “Mission: Possible” campaign incorporates local, regional and statewide trainings of local project staff and youth advocates. Trainings will address recruitment of youth in licensing campaign efforts, the roles that youth can play in mobilizing communities around licensing, and modern tools to “hook” and engage youth in tobacco control activities. It is anticipated that this campaign will play an important role in the passage of local licensing policies. The Center for Tobacco Policy and Organizing will continue to provide technical assistance and hands-on training to CDPH/TCP-funded projects conducting community organizing and strategic planning activities as well as youth access-related policy work in their communities.

CDPH/TCP will continue to refresh, develop and provide state-of-the-art, tailored educational materials and utilize advertising and public relations strategies, as resources allow, to promote a reduction in tobacco sales to minors.

Plans for law enforcement efforts to enforce youth tobacco access laws:

During FFY 2008 the CDPH/FDB STAKE Act Enforcement Unit will continue to conduct undercover on-site inspections at tobacco retailers using teen-aged decoys as mandated. The STAKE Act’s 13 investigators conduct more than 2,000 inspections annually throughout the state, covering a territory encompassing 163,707 square miles. Stores checked for compliance are selected on a random basis within a given geographic area and/or in response to reports of illegal tobacco sales left on the toll-free number by concerned citizens. In addition to the statewide efforts, investigators enforce two tobacco access-related ordinances under contract with the Los Angeles City Attorney’s office by conducting inspections of retailers within the city of Los Angeles and reporting the results of those inspections to City officials.

Planned activities that support law enforcement efforts to enforce youth access laws:

Local tobacco control programs will continue to engage in various forms of law enforcement assistance activities, such as youth recruitment, training, violation tracking, surveillance, merchant education, and policy development. Statewide technical assistance and training will continue to be provided to law enforcement personnel to promote enforcement of PC 308(a), utilizing a training manual updated in 2007. CDPH/TCP and CDPH/FDB STAKE Act Enforcement Unit will continue to utilize their web sites and educational materials to promote the toll-free complaint line created for public reporting of tobacco sales to minors. In addition, technical assistance and training will continue to be provided to tobacco control projects on a regular basis via the STORE Campaign as new, tailored interventions are developed. The Point of Sale Practices (POSP) Workgroup will disseminate a Tracking and Reporting “How-To” Guide near the

end of 2007 that local projects can use in collaboration with their law enforcement partners. The “How-To” Guide will facilitate both the tracking of youth access law violations and the reporting of adjudicated cases to the appropriate state-level enforcement agency for further action. It is anticipated that this “How-To” Guide will help state enforcement agencies build a stronger case against flagrant violators. In FFY 2008, CDPH/TCP, in collaboration with the POSP Workgroup, will begin implementing quarterly regional law enforcement roundtables involving multiple levels of law enforcement. The purpose of the roundtables will be to explore, in a group setting, problems and barriers related to the enforcement and prosecution of youth access laws at the local level and identify solutions to mitigate these challenges.

Any anticipated changes in youth tobacco access legislation or regulation in the State:

In 2006, following the submission of the FFY 2007 Annual Synar Report, a bill (AB 1749) was signed by the Governor of California that eliminated the sunset provision for AB 71, the Cigarette and Tobacco Products Licensing Act of 2003.

A bill sponsored by the BOE was introduced in 2007 that would require tobacco retailers to pay a \$100 reinstatement fee as a precondition for reinstatement of an expired state tobacco retailer license. This fee would not apply to the annual renewal application, which is free of cost, but only the licenses that actually expire and must be reinstated. The bill has passed the Senate and is currently awaiting a floor vote by the full Assembly.

Also introduced in 2007 was a bill that would prohibit cigarette distribution via the Internet (except for US Postal Service delivery). This bill would make it unlawful for distributors to ship cigarettes to individuals in California and for common or contract carriers to knowingly transport cigarettes to individuals in California. All violations of this bill’s provisions would be punishable by civil penalties. This legislation would serve as a price disincentive for youth, a deterrent to continue smoking for adult smokers, and would ensure collection of appropriate tax revenues. This bill has passed the Assembly and is being deliberated in the Senate.

A cleanup bill regarding the STAKE Act was proposed in 2007 which would allow local enforcement agencies to conduct random youth decoy inspections and to assess penalties to ensure retailer compliance with the STAKE Act without having to enter into an enforcement delegation contract with CDPH/FDB as they are currently required to do. This bill incorporates an increase in civil penalties for selling or giving tobacco to minors and authorizes civil penalties against individuals or businesses that engage in tobacco retailing and do not appropriately post the required notice about not selling tobacco to minors. In addition, this bill would require that civil penalties collected under the act in excess of \$300,000 per year would be deposited into the Sale of Tobacco to Minors Control Account and not the general fund as required under current law. This bill has passed the Senate but is being deliberated in the Assembly.

3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply)

- ☒ Limited resources for law enforcement of youth access laws
- ☒ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☒ Limitations in the State youth tobacco access laws
- ☐ Limited public support for enforcement of youth tobacco access laws
- ☐ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☒ Difficulties recruiting youth inspectors
- ☐ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☐ Issues regarding sources of tobacco under tribal jurisdiction
- ☒ Other challenges (*please list*):

Sampling frame coverage study is an unfunded mandate; Late availability of Annual Synar Report forms and submission timeline; Lack of publicized research demonstrating that the sale of tobacco to minors is associated with youth uptake of tobacco.

Briefly describe all checked challenges and propose a plan for each, or indicate the State's need for TA related to each relevant challenge:

Limited resources for law enforcement of youth access laws:

The CDPH/FDB STAKE Act Enforcement Unit operates with limited staff (13 investigators statewide) within a flat \$1.6 million annual budget which is additionally augmented by funds collected through penalty assessment. The budget situation limits inspection capacity to 5 percent of the approximately 39,000 retailers in the state. CDPH/FDB has, to date, been unable to secure additional funds to mitigate this resource issue. If additional funding could be secured for STAKE Act enforcement operations, CDPH/FDB would be able to hire more inspectors to cover not just more tobacco outlets, but more of the problem outlets. Legislative change is a slow and cumbersome process, and introduced bills stand a good chance of failing. Any future legislative changes that would increase financial resources for the STAKE program would need to be initiated, supported, and driven by local communities and advocacy organizations.

While budgetary changes and competing interests make it difficult to secure more resources, various avenues will continue to be pursued.

Limited resources for activities to support enforcement and compliance with youth tobacco access laws:

There are very limited in-kind resources to support a statewide youth access media campaign. Emphasis will be placed on providing technical assistance to local projects

to locally-developed media and educational materials and increasing the accessibility by local projects of previously-developed CDPH/TCP-developed media materials. Although not funded by Synar, new retailer-oriented educational materials will be created by TECC and CDPH/TCP-funded local projects according to need, placed in the TECC catalog, and made available to target audiences via the most efficient routes of dissemination.

Financial support for the STORE Campaign and POSP Workgroup activities has been and continues to be provided in-kind, such as the maintenance and enhancement of the STORE Campaign web site, the provision of technical assistance and training for the field, the publication and dissemination of training materials such as the *Stop Tobacco Sales to Youth: California Retailers and Youth Tobacco Laws* curriculum for retailers, the PC 308 Enforcement Training Manual (updated in 2007), and the Tracking and Reporting of Adjudicated Cases “how-to” guide. In-kind activities also include the planning and implementation of regional Law Enforcement Roundtables and a point-of-sale conference for the field scheduled for November 2008.

In FY 2006-07 CDPH/TCP allocated over \$2.3 million of Proposition 99 funds to support the goals of the STAKE Act Program. Additional funds will be needed to conduct these activities in the future, as tax revenues are declining and competition for the remaining funds for comprehensive tobacco control efforts will become even fiercer.

Technical assistance from CSAP on how to provide these needed services and activities in the most efficient manner would be welcomed.

Limitations in the State youth tobacco access laws:

PC 308(a), a criminal law prohibiting the sale of tobacco products to minors, is enforced by local law enforcement agencies. Because the law is enforced through the criminal courts, local district attorneys are often reluctant to prosecute these cases due to their limited time and court costs. Authority for the enforcement of STAKE Act, which is a civilly prosecuted law, is limited to CDPH/FDB. As mentioned earlier, legislation was proposed in 2007 that would allow local enforcement entities to enforce the STAKE Act without a delegation contract with CDPH/FDB, however it is unclear if this legislation will be signed into law.

Other than legislative fixes at the state level which come very slowly and are fraught with challenges, CDPH/TCP's promotion of local retail licensing policies with strong enforcement provisions has helped to counter limitations in state law by increasing enforcement for youth access laws and reducing illegal sales rates in communities across California. Support will continue for local licensing.

Difficulties recruiting youth inspectors:

The recruitment of youth inspectors is an ongoing challenge for a variety of reasons: a single contractor funded to conduct youth recruitment activities statewide, conflicting youth priorities, youth aging out of the program, parents who do not want their children to participate, conflicting school schedules, and small rural communities where youth are known to everyone in the community and the anonymity of the youth is

compromised. In addition, the sheer size of California presents a challenge in recruiting youth inspectors to cover the entire state.

CDPH will continue helping the youth recruitment contractor tailor recruitment strategies to reach specific communities, groups and institutions and adjust recruitment timeframes to increase the likelihood that youth of appropriate age and ethnic/racial background will be recruited for decoy operations.

Other Challenges:

Sampling frame coverage study is an unfunded mandate:

CSAP's requirement for States to conduct sampling frame coverage studies without additional funds is a fiscal challenge. Technical assistance obtained from CSAP supported CDPH/TCP's scaled-back coverage study plan which was implemented with in-kind funds.

Late availability of Annual Synar Report forms and submission timeline:

CDPH/TCP is required to submit the CDPH-approved ASR to ADP in August of each year in order for ADP to conduct its own review and approval process prior to submitting the ASR to CSAP in October. While CDPH understands that submission of the ASR is tied to the SAPT Block Grant Application process, the fact that the ASR forms and instructions are generally unavailable until August creates a hardship for CDPH in terms of meeting the ADP deadline for completion of the ASR.

Resolution of this recurring delay resides at SAMHSA; neither State actions, nor technical assistance will resolve this issue.

Lack of publicized research documenting that illegal tobacco sales is associated with youth uptake of tobacco:

The science-basis for the Synar Amendment focusing on retail sales makes this program difficult to defend when evidence is showing that social sources, not retail, are a predominate source from which youth obtain tobacco to initiate smoking. It is possible the focus on retail sales is diverting attention from the primary source and intent of Synar to reduce youth tobacco access.

This is a national level issue. Recommend that CSAP research to what extent social sources versus retail sales correlate with the initiation of youth tobacco access and use.

Appendices B & C: Forms

Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the State's CSAP-approved sampling design and inspection protocol. These appendices, therefore, should generally describe the design and protocol and are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance written approval. To facilitate the State's completion of this section, simply "cut and paste" the previously approved sampling design (Appendix B) and inspection protocol (Appendix C).

APPENDIX B

STATE: CaliforniaFFY: 2008

SYNAR SURVEY SAMPLING METHODOLOGY

1. What type of sampling frame is used?

- ☒ List frame (Go to Question 2)
- ☐ Area frame (Go to Question 3)
- ☐ List-assisted area frame (Go to Question 2)

2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (After completing this question, go to Question 4)

Use the corresponding number to indicate Type of Source in the table below:

- 1 – Statewide commercial business list 4 – Statewide retail license/permit list
 2 – Local commercial business list 5 – Statewide liquor license/permit list
 3 – Statewide tobacco license/permit list 6 – Other

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
BOE licensing list	3	The licensing list is provided by BOE. The Cigarette and Tobacco Products Licensing Act of 2003 (California B&P Code Section 22970-22995) requires California retailers of cigarettes and tobacco products to obtain a license from BOE in order to sell tobacco products.	The list is continually updated by BOE.

3. If an area frame is used, describe how area sampling units are defined and formed.

N/A

- a. Is any area left out in the formation of the area frame? ☐ Yes ☐ No

If Yes, what percentage of the State's population is not covered by the area frame?

_____ %

4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey?

☐ Yes ☒ No

If No, please indicate the reason they are not included in the Synar survey.

- ☐ State law bans vending machines
☒ State law bans vending machines from locations accessible to youth
☐ State has SAMHSA approval to exempt vending machines from the survey
☐ Other (*please describe*):

5. Which category below best describes the sample design? (Check only one)

☐ **Census** (*STOP HERE: Appendix B is complete*)

Unstratified State-wide sample:

- ☒ Simple random sample (*go to Question 9*)
☐ Systematic random sample (*go to Question 6*)
☐ Single-stage cluster sample (*go to Question 8*)
☐ Multi-stage cluster sample (*go to Question 8*)

Stratified sample:

- ☐ Simple random sample (*go to Question 7*)
☐ Systematic random sample (*go to Question 6*)
☐ Single-stage cluster sample (*go to Question 7*)
☐ Multi-stage cluster sample (*go to Question 7*)

☐ **Other** (*please describe and go to Question 9*):

6. Describe the systematic sampling methods. (After completing Question 6, go to Question 7 if stratification is used. Otherwise go to Question 9.)

N/A

7. Provide the following information about stratification

a. Provide a full description of the strata that are created.

N/A

b. Is clustering used within the stratified sample?

N/A

☐ **Yes** (*go to Question 8*)

☐ **No** (*go to Question 9*)

8. Provide the following information about clustering

- a. Provide a full description of how clusters are formed.** *(If multi-stage clusters are used, give definitions of clusters at each stage.)*

N/A

- b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.**

9. Provide the formulae for determining the effective, target, and original outlet sample sizes.

Effective (and also Target) sample size is determined by:

Effective sample size:

$$n_e = \frac{z_{1-\alpha/2}^2 p(1-p)}{d^2} = \frac{1.96^2 \times 0.20 \times (1-0.20)}{0.03^2} \approx 683$$

where,

$z_{1-\alpha/2} = 1.96$, which is 100(1- $\alpha/2$) percentile of the standard normal distribution with

$\alpha = 0.05$,

p = target illegal sales rate of 0.2,

d = desired precision of 0.03 with respect to the two-sided 95% confidence interval.

The original sample size is then given by

$$n_o = \frac{n_e}{r_l r_c},$$

where r_l is an estimated eligibility rate and r_c is an estimated completion rate.

APPENDIX C

STATE: California
FFY: 2008

SYNAR SURVEY INSPECTION PROTOCOL

Note: Attach a copy of the inspection form and protocol used to record the inspection result.

1. How does the State Synar survey protocol address the following?

a. Consummated buy attempts?

- ☒ Required ☐ Not Permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

b. Youth inspectors to carry ID?

- ☐ Required ☒ Not Permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

c. Adult inspectors to enter the outlet?

- ☒ Required ☐ Not Permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

d. Youth inspectors to be compensated?

- ☒ Required ☐ Not Permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

2. Identify the agency(s) or entity(s) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply)

- ☐ Law enforcement agency(s)
☒ State or local government agency(s) other than law enforcement
☐ Private contractor(s)
☐ Other

List the agency name(s): San Diego State University Foundation Behavioral Health Institute (BHI).

3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement issue warnings or citations to retailers found in violation of the law at the time of the inspection)?

- ☐ Always ☐ Usually ☐ Sometimes ☐ Rarely ☒ Never

4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

CDPH/TCP entered into an Interagency Agreement with BHI of the San Diego State University Foundation to conduct the survey. BHI has substantial experience with conducting youth tobacco purchase surveys. Their responsibilities include: verification of stores, finalizing the survey instrument, recruitment of youth, training of youth and research assistants, conducting the survey, and entering the data.

BHI provided youth participants 1½ hours of training prior to participation in the youth tobacco purchase survey using a standardized training protocol. All youth-identifying data was kept confidential to protect the safety and identity of the youth. Youth were trained with a standardized training protocol.

BHI hired several adult research assistants to conduct the youth tobacco purchase survey in Southern California to augment their staff. The research assistants attended a 2-hour training session prior to conducting fieldwork. At the first store site, the research assistants were observed by BHI staff to ensure that the survey procedures were properly followed. Adult supervisors were trained with a standardized training protocol.

5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?

a. Legal ☒ Yes ☐ No (If Yes, please describe):

Minors' immunity from prosecution for survey and enforcement participation is granted in the language of the STAKE Act.

b. Procedural ☐ Yes ☒ No (If Yes, please describe):

6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☒ Yes ☐ No (If Yes, please describe):

The safety of minors involved in all STAKE Act enforcement and survey inspection operations is of the utmost concern to all supervising adults and enforcement agents. The safety protocol used by BHI is as follows:

Youth are never sent into potentially volatile or dangerous situations. If adults or youth find themselves in an "uncomfortable" or "confrontational" situation while in a store or neighborhood, they are to exit the area immediately. No one is to confront a store clerk or customer for any reason. Youth are to report "uncomfortable" situations immediately to the accompanying adult.

All participants are instructed to wear seat belts while traveling in a car. Doors should be locked, and every effort made to act in a safety-conscious manner at all times. Adults are to be cautious drivers and obey all traffic rules. Participants should not jaywalk across streets or walk against red traffic lights.

Each accompanying adult is to carry a letter from CDPH verifying the legitimacy of the surveying activities. In addition, adults are required to carry the phone number of a BHI staff member who can be reached during the purchase attempt activities should a problem arise.

7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?

a. Legal ☒ **Yes** ☐ **No** (*If Yes, please describe*):

STAKE Act requires using 15 or 16 year old youth in inspections.

b. Procedural ☐ **Yes** ☒ **No** (*If Yes, please describe*):

APPENDIX D

STATE: California
FFY: 2008

List Sampling Frame Coverage Study *(LIST FRAME ONLY)*

1. Calendar year of the coverage study: 2007

2. Percent coverage found: 92.5%

(Provide calculation of the percent coverage)

$$P_c = \frac{M}{T} \times 100\% = \frac{148}{160} \times 100\% = 92.5\%$$

M: the number of matched outlets

T: total number of outlets found in the canvassing

3. Provide a description of the coverage study methods and results.

1) Sampling Canvassing Areas

California used a multi-stage stratified sampling design for the coverage study. We used the list frame to estimate the number of retailers in sampling areas. We selected 15 zip codes with probabilities proportional to size of population of retailers in zip code. If a zip code had less than 20 outlets, then we took it as a sampling area. For a zip code that had more than 20 outlets, we aggregated census tracts in the zip code as a sampling area that contained about 10 outlets. To get the group of census tracts, first we obtained the geocode for each retailer in this zip code using ArcGIS and spatially located the retailers into their corresponding census tracts. Then we knew approximately how many of outlets in each census tract. In the zip code, we sorted the census tracts by tract ID and randomly selected a census tract. From the selected census tract, we went down the census tract list till the group of tracts had just more than 10 outlets. Finally, we obtained 15 sampling areas with approximately 160 retailers. We mapped each sampling area using ArcGIS.

2) Field Procedures

See Attachment A: Canvassing Protocol

3) Coverage Rate Analysis

After the list of outlets that was identified by the field canvassing is finalized, we crossed reference this list with the most recently updated sampling frame, the BOE licensing list.

Any unmatched case on the canvassing list was carefully examined to confirm that there is indeed no match in the list frame. When the name and address information on either list is ambiguous or incomplete, we checked back with field workers or contacted the relevant outlets to clarify and confirm the situation.

After all the canvassed outlets were checked against the list frame, any outlet that is not found in the list frame was classified as missing from the list frame. The coverage rate is calculated as following:

$$P_c = \frac{M}{T} \times 100\%$$

M: the number of matched outlets on the list frame

T: the number of outlets found in the canvassing

Coverage Rate per Canvassing Area

Canvassing Area	Number of Outlets Found on BOE Licensing List	Number of Outlets Identified by Field Canvassing	Coverage Rate
1	7	7	100.0%
2	7	11	63.6%
3	13	13	100.0%
4	9	10	90.0%
5	11	11	100.0%
6	8	8	100.0%
7	13	14	92.9%
8	17	21	81.0%
9	1	1	100.0%
10	9	10	90.0%
11	11	12	91.7%
12	11	11	100.0%
13	9	9	100.0%
14	11	11	100.0%
15	11	11	100.0%
Total	148	160	92.5%